

COTTONWOOD HEIGHTS

RESOLUTION No. 2013-22

A RESOLUTION APPROVING AND RATIFYING A BID AND AWARDING A CONSTRUCTION CONTRACT TO STAKER AND PARSON COMPANIES (UNION PARK AVENUE / 1300 EAST STREET IMPROVEMENT PROJECT)

WHEREAS, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") met on 28 May 2013 to consider, among other things, (a) approving and ratifying the City's acceptance of a \$1,231,605 bid from Staker and Parson Companies ("*Contractor*") for the Union Park Avenue / 1300 East street improvement project under the City's project no. CHC.252 (the "*Project*"); and (b) authorizing the City's entry into an agreement for such construction services (the "*Agreement*") with Contractor on such terms and conditions as may be approved by the City's mayor and manager in consultation with the City's director of public works, the City engineer and the City attorney, a draft copy of which is annexed as an exhibit hereto; and

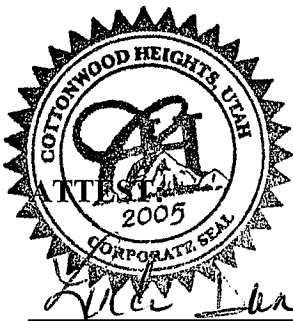
WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to approve and ratify the City's acceptance of Contractor's amended bid for the Project and to authorize the City's entry into the Agreement with Contractor as proposed;

NOW, THEREFORE, BE IT RESOLVED by the city council of Cottonwood Heights that the Council hereby (a) approves and ratifies the City's acceptance of Contractor's bid for the Project, and (b) authorizes the City's entry into the Agreement with Contractor on such terms and conditions as may be approved by the City's mayor and manager in consultation with the City's director of public works, the City engineer and the City attorney.

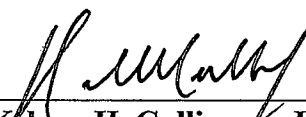
This Resolution, assigned no. 2013-22, shall take effect immediately upon passage.

PASSED AND APPROVED this 28th day of May 2013.

COTTONWOOD HEIGHTS CITY COUNCIL




Linda W. Dunlavy, Recorder

By 
Kelvin H. Cullimore, Jr., Mayor

VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the office of the City Recorder this 28th day of May 2013.

RECORDED this ___ day of May 2013.

598597.1

SECTION 00500

AGREEMENT

THIS AGREEMENT, made this 15th day of May, 2013, by and between the CITY OF COTTONWOOD HEIGHTS, hereinafter called "OWNER" and Staker & Parson Companies doing business as A Corporation, hereinafter called "CONTRACTOR".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The CONTRACTOR will commence and complete construction of the "STREET IMPROVEMENT PROJECTS ALONG UNION PARK AVENUE AND 1300 EAST STREET, BETWEEN THE SOUTH SIDE OF I-215 FREEWAY AND CREEK ROAD --- PROJECT NO. CHC.252".

2. The CONTRACTOR will furnish all of materials, supplies, tools, equipment, labor and other services necessary for the construction and completion of the PROJECTS described herein.

3. The CONTRACTOR will commence the WORK required by the CONTRACT DOCUMENTS within ten (10) calendar days after the date of the NOTICE TO PROCEED; unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.

4. The CONTRACTOR will commence the total WORK required by the CONTRACT DOCUMENTS within ten (10) calendar days after the date of the NOTICE TO PROCEED; and will complete the same within NINETY (90) calendar days after the date of the NOTICE TO PROCEED; unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.

5. The CONTRACTOR agrees to perform all of the WORK described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum as shown in the BID schedule.

6. The term "CONTRACT DOCUMENTS" means and includes the following:

- (A) SECTION 00100 - INVITATION TO BID
- (B) SECTION 00200 - INSTRUCTIONS TO BIDDERS
- (C) SECTION 00250 - ADDITIONAL INSTRUCTIONS TO BIDDERS
- (D) SECTION 00260 - CONTRACTOR'S QUALIFICATION AND EXPERIENCE AFFIDAVIT
- (E) SECTION 00410 - BID
- (F) SECTION 00420 - BID SCHEDULE
- (G) SECTION 00450 - BID BOND
- (H) SECTION 00500 - AGREEMENT

- (I) SECTION 00510 - PAYMENT BOND (100 PERCENT)
- (J) SECTION 00520 - PERFORMANCE BOND (100 PERCENT)
- (K) SECTION 00530 - NOTICE OF AWARD
- (L) SECTION 00540 - NOTICE TO PROCEED
- (M) SECTION 00560 - CHANGE ORDER
- (N) SECTION 00570 - NOTICE OF SUBSTANTIAL COMPLETION
- (O) SECTION 00580 - NOTICE OF COMPLETION
- (P) GENERAL CONDITIONS
- (Q) SUPPLEMENTAL GENERAL CONDITIONS
- (R) SPECIFICATIONS prepared and issued by GILSON ENGINEERING, INC.
Consulting Engineers, dated MARCH, 2013.
- (S) DRAWINGS prepared by Gilson Engineering, Consulting Engineers
(See enumeration in Supplemental General Conditions)
- (T) ADDENDA:
 - No. 1, dated April 11, 2013.
 - No. 2, dated April 17, 2013.
 - No. 3, dated April 25, 2013.
 - No. 4, dated April 22, 2013.
 - No. 5, dated April 22, 2013.

7. The OWNER will pay to the CONTRACTOR, in the manner and at such times as set forth in the General Conditions, such amounts as required by the CONTRACT DOCUMENTS.

8. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in five (5) copies, each of which shall be deemed an original on the date first above written.

OWNER:

CITY OF COTTONWOOD HEIGHTS

BY _____

NAME KELVYN CULLIMORE
(Please Type)

TITLE MAYOR

(SEAL)

ATTEST:

NAME Kory Solorio
(Please Type)

TITLE CITY RECORDER

CONTRACTOR:

Staker & Parson Companies

BY _____

NAME Michael R. Kurz
(Please Type)

ADDRESS 89 West 13490 South Suite 100

Draper, Utah 84020

(SEAL)

ATTEST:

NAME _____
(Please Type)

TITLE _____